

## TEXT OF EMERGENCY REGULATION

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Current wording is indicated by regular type.  
Originally proposed deletions are indicated by ~~strikeout~~.  
Originally proposed additions are indicated by underline.

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### TITLE 3. CALIFORNIA CODE OF REGULATIONS DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS CHAPTER 2. PESTICIDES SUBCHAPTER 1. PESTICIDE REGISTRATION ARTICLE 1. GENERAL PROVISIONS

Adopt section 6148 to read:

**6148. Fee for Each Product Submitted for Registration.**

(a) The fee for each pesticide product submitted for registration is \$750. The fee applies to each:

- (1) New pesticide product;
- (2) Additional brand name of a pesticide product; and
- (3) Pesticide product where there is a change in business ownership of the product.

(b) If the Director returns an incomplete application for product registration to the applicant, the applicant has 180 days from the date the Director initially returned the application to resubmit a complete application without payment of a new registration fee. A new registration fee must accompany applications resubmitted after 180 days from the date the Director returned the application.

NOTE: Authority cited: Sections 12781 and 12812, Food and Agricultural Code.

Reference: Section 12812, Food and Agricultural Code.

Adopt section 6148.5 to read:

**6148.5. Fees for Amendments to Registered Pesticide Products.**

(a) Each application to amend the labeling of a registered pesticide product, where the amendment must be supported by scientific data, shall be accompanied by a fee of \$100. This fee does not apply to special local needs labeling.

(b) If the Director returns an incomplete application to amend the labeling of a registered pesticide product to the applicant, the applicant has 180 days from the date the Director initially returned the application to resubmit a complete application without payment of a new fee. A new fee must accompany applications resubmitted after 180 days from the date the Director returned the application.

NOTE: Authority cited: Sections 12781 and 12813, Food and Agricultural Code.

Reference: Section 12813, Food and Agricultural Code.

Amend section 6168 to read:

**6168. Fee for Certificate of Interim Registration.**

In addition to the ~~\$200~~ application fee required pursuant to ~~Food and Agricultural Code Section 12812~~ section 6148, each application for a certificate of interim registration shall be accompanied by a fee of \$5,000 (five thousand dollars) to cover the department's costs of reviewing and processing the application. The \$5,000 fee also applies to applications:

(a) For interim registration of an label amendment to the labeling of a currently registered product; and

(b) To amend the labeling and certificate of registration of a product that already has been issued a certificate of interim registration when the amendment will allow additional uses of that product under conditions of interim registration.

NOTE: Authority cited: Sections 12781, 12812, and 13168, Food and Agricultural Code.

Reference: Section 13170, Food and Agricultural Code.

ARTICLE 2. REGISTRATION REQUIREMENTS

Amend section 6170 to read:

**6170. Application.**

(a) Each application for registration of a pesticide product shall be made on the Application for Pesticide Registration Form 39-030 (Rev. 01/90 9/03), prescribed by the director and described in section 6170.5. The application is incomplete ~~unless~~ and may be returned by the Director if the application is not accompanied by the fee required by ~~section 12812 of the Food and Agricultural Code~~ section 6148, six copies of the product labeling, and the data required to be submitted by sections 6159, 6170, 6172, 6176-6179, 6180(a), 6181-6192, and 6200 when applicable to support registration of the product. All data submitted by the applicant to the U.S. EPA in support of federal registration shall be submitted and all studies shall be submitted in full. The product labeling should be printer's proof, final labels, or legible photocopies; thereof. If typescript labels are submitted with the application, printer's proof, final labels, or legible photocopies; thereof, must be submitted before a Certificate of Registration (License) for the product will be issued. If the label has been approved by a federal agency, proof of such approval shall be submitted with the application.

(b) ~~A request~~ An application to amend the labeling (including a special local needs labeling) of a pesticide product is incomplete ~~unless~~ and may be returned by the Director if the application is not accompanied by the fee required by 6148.5, six copies of the labeling and the data required to be submitted by sections 6159, 6170, 6172, 6176-6179, 6180(a), 6181-6192, and 6200 when applicable to the amendment. ~~The request application~~ to amend the labeling shall be accompanied by all data submitted by the applicant to the U.S. EPA in support of the federal amended labeling and all studies shall be submitted in full. The product labeling should be printer's proof, final labels or legible photocopies; thereof. If typescript labels are submitted, printer's proof, final labels or legible photocopies; thereof, must be submitted before the amended label will be accepted for use. If the amended labeling has been approved by a federal agency, proof of such approval shall be submitted with the amendment ~~request~~ application.

(c) In lieu of submitting data pursuant to subsections (a) and (b) of this section, the registrant may reference appropriate data previously submitted to the director by the registrant. Data previously submitted to the director may be used by any applicant when an authorization is submitted in writing to the Department, by the owner of that data.

NOTE: Authority cited: Section 12781, Food and Agricultural Code.

Reference: Sections 12811, 12812, 12815 and 12816, Food and Agricultural Code.

## ARTICLE 7. RENEWALS

Adopt section 6216 to read:

### **6216. Annual Registration Renewal Fee.**

Beginning with those certificates of registration expiring on December 31, 2003, the fee for annual renewal is \$750 for each product.

NOTE: Authority cited: Sections 12781 and 12812, Food and Agricultural Code.

Reference: Section 12812, Food and Agricultural Code.

Adopt section 6217 to read:

### **6217. Penalties for Late Payment of Annual Renewal Application Fee.**

If renewal of a certificate of registration is not applied for within one calendar month after December 31 of each year, a penalty of 20 percent of the original amount due shall be added to the renewal fee for each product.

NOTE: Authority cited: Sections 12781, 12812, and 12818, Food and Agricultural Code.

Reference: Section 12818, Food and Agricultural Code.

## SUBCHAPTER 3. ASSESSMENTS

### ARTICLE 1. MILL ASSESSMENT COLLECTIONS

Amend section 6386 to read:

### **6386. Established Rate.**

The director establishes the mill assessment on pesticides products at ~~nine mills (0.009)~~ 21 mills (0.021) per dollar of sales for all sales of ~~the registrants~~ the registrants registered ~~and labeled~~ pesticides for use in this state pursuant to Food and Agricultural Code section 12841.

NOTE: Authority cited: Sections 12781 and 12841, Food and Agricultural Code.

Reference: Section 12841, Food and Agricultural Code.

SUBCHAPTER 1. LICENSING  
ARTICLE 1. GENERAL LICENSE REQUIREMENTS

Amend section 6500 to read:

**6500. License Duration.**

The ~~d~~Director shall issue licenses and certificates for two years; provided, however, a license or certificate may be issued for less than two years based on when the applicant enters the two-year cycle described below.

~~Any applicant for a new or renewed license or certificate to be issued for more than one year shall pay double the annual fee specified in the Food and Agricultural Code for such license or certificate.~~

The term of the license or certificate is determined by the ~~d~~Director as follows:

Each license or certificate with a name beginning with A through L shall expire December 31 of the following even numbered year.

Each license or certificate with a name beginning with M through Z shall expire December 31 of the following odd numbered year.

The issuance of a two-year license or certificate in no way affects any annual county registration required by the Food and Agricultural Code.

NOTE: Authority cited: Sections 11456, 11502, 12005 and 12111, Food and Agricultural Code.  
Reference: Section 11456, Food and Agricultural Code.

Amend section 6502 to read:

**6502. Applications.**

(a) ~~An A~~Applications for a new license or certificate shall be made on a form prescribed by the ~~d~~Director and shall be accompanied by the required application fee specified below in Table 1 - License and Certificate Application Fees and Forms. The ~~original~~ application fee shall allow an applicant a 12-month period to become licensed or certified.

(b) Beginning with those licenses or certificates expiring December 31, 2003, an application to renew a license or certificate shall be made on a form prescribed by the Director and shall be accompanied by the required renewal fee specified below in Table 2 - License and Certificate Renewal Fees and Forms. If the license or certificate is issued for more than one year pursuant to 6500, the applicant shall pay double the annual renewal fee.

(1) If the renewal application is not postmarked by December 31 of the year the license or certificate expires, a penalty of 50 percent of the renewal fee shall be added to the original amount due.

(c) Pursuant to this section, the prescribed forms, hereby incorporated by reference, are specified in Table 1 and Table 2 below.

**Table 1–License and Certificate Application Fees and Forms**

<b><u>License or Certificate Type</u></b>	<b><u>New Application Fee</u></b>	<b><u>Form</u></b>
<u>Pest Control Business License</u>  <u>Additional fee for each Pest Control Business Branch</u>	<u>\$160</u>  <u>\$ 80</u>	<u>Pest Control Business License Application</u> <u>PR-PML-042 (Rev. 9/03)</u>
<u>Pest Control Business License,</u> <u>Maintenance Gardener only</u>	<u>\$ 80</u>	<u>Maintenance Gardener Pest Control</u> <u>Business License Application PR-PML-004</u> <u>(Rev. 9/03)</u>
<u>Pest Control Dealer License</u>  <u>Additional fee for each Dealer Branch</u>	<u>\$160</u>  <u>\$ 80</u>	<u>Pest Control Dealer License Application</u> <u>PR-PML-041 (Rev. 9/03)</u>
<u>Pesticide Broker License</u>  <u>Additional fee for each Broker Branch</u>	<u>\$110</u>  <u>\$ 60</u>	<u>Pesticide Broker License Application (PB)</u> <u>PR-PML-217 (Rev. 9/03)</u>
<u>Agricultural Pest Control Adviser License</u>	<u>\$ 80</u>	<u>Agricultural Pest Control Adviser</u> <u>Application PR-PML-084 (Rev. 9/03)</u>
<u>Pest Control Aircraft Pilot Certificate</u>	<u>\$ 60</u>	<u>Aircraft Pilot Pest Control Certificate</u> <u>Application PR-PML-005 (Rev. 9/03)</u>
<u>Pest Control Dealer Designated Agent</u> <u>License</u>	<u>\$ 25</u>	<u>Pest Control Dealer Designated Agent</u> <u>License Application PR-PML-043 (Rev.</u> <u>9/03)</u>
<u>Qualified Applicator License</u>	<u>\$ 80</u>	<u>Qualified Applicator License Application</u> <u>PR-PML-001 (Rev. 9/03)</u>
<u>Qualified Applicator Certificate</u>	<u>\$ 40</u>	<u>Qualified Applicator Certificate Application</u> <u>PR-PML-001A (Rev. 9/03)</u>

**Table 2 - License and Certificate Renewal Application Fees and Forms**

<b><u>License or Certificate Type</u></b>	<b><u>Annual Renewal Fee</u></b>	<b><u>Form</u></b>
<u>Pest Control Business License</u>	<u>\$160</u>	<u>Pest Control Business Renewal Application PR-PML-192 (Rev. 9/03)</u>
<u>Additional fee for each Pest Control Business Branch</u>	<u>\$ 80</u>	
<u>Pest Control Business License, Maintenance Gardener only</u>	<u>\$ 80</u>	<u>Maintenance Gardener Pest Control Business Renewal Application PR-PML-186 (Rev. 9/03)</u>
<u>Pest Control Dealer License</u>	<u>\$160</u>	<u>Pest Control Dealer License Renewal Application PR-PML-191 (Rev. 9/03)</u>
<u>Additional fee for each Dealer Branch</u>	<u>\$ 80</u>	
<u>Pesticide Broker License</u>	<u>\$110</u>	<u>Pesticide Broker License Renewal Application PR-PML-190 (Rev. 9/03)</u>
<u>Additional fee for each Pesticide Broker Branch</u>	<u>\$ 60</u>	
<u>Agricultural Pest Control Adviser License</u>	<u>\$ 70</u>	<u>Individual License/Certificate Renewal Application PR-PML-141 (Rev. 9/03)</u>
<u>Pest Control Aircraft Pilot Certificate</u>	<u>\$ 45</u>	<u>Individual License/Certificate Renewal Application PR-PML-141 (Rev. 9/03)</u>
<u>Pest Control Dealer Designated Agent License</u>	<u>\$ 25</u>	<u>Individual License/Certificate Renewal Application PR-PML-141 (Rev. 9/03)</u>
<u>Qualified Applicator License</u>	<u>\$ 60</u>	<u>Individual License/Certificate Renewal Application PR-PML-141 (Rev. 9/03)</u>
<u>Qualified Applicator Certificate</u>	<u>\$ 30</u>	<u>Individual License/Certificate Renewal Application PR-PML-141 (Rev. 9/03)</u>

NOTE: Authority cited: Sections 11456, 11502, 11502.5, 12005, and 12111, Food and Agricultural Code. Reference: Sections 11502.5, 11702, 11703, 11704, 11707, 11903, 11904, 12021, ~~and~~ 12103, 12104, 12105, 12201, 12202, 12252, 12401, and 12404, Food and Agricultural Code.

Amend section 6505 to read:

**6505. Examination Fees.**

~~(a) Examinations requested on an original application shall require the payment of an examination fee when an application fee is paid. However, if the applicant requests additional examinations, fails any examination, fails to appear for an examination, or if no application fee is required, a fee of \$15 for the first examination; \$10 for the second; and \$5 for any additional examinations at each time and place shall be required.~~

(a) In addition to the application fee specified in section 6502(a), an agricultural pest control adviser, pest control aircraft pilot, pest control dealer designated agent, qualified applicator license or qualified certificate applicant shall pay, if applicable:

(1) A \$50 fee for the Laws, Regulations, and Basic Principles examination; and

(2) A \$50 fee for each additional examination category requested.

(b) A license or certificate holder seeking to add an additional category shall submit a \$50 fee for each examination category requested accompanied by the required application form specified in 6502.

(c) A \$50 fee shall be submitted for each request to reschedule an examination due to the applicant's failure to obtain a passing score or failure to appear for a scheduled examination.

~~(b) Applicants seeking to amend an agricultural pest control adviser, pest control aircraft pilot, or qualified applicator license, are required to pay the same examination fee as described in subsection (a).~~

~~(c) Examination fees are not required for qualified applicator certificate holder applicants.~~

NOTE: Authority cited: Sections 11456 and 11502.5, Food and Agricultural Code. Reference: Section 11502.5, Food and Agricultural Code.

Amend section 6508 to read:

**6508. Notification of Change.**

(a) Every person to whom a license or certificate holder is issued shall immediately notify the Director of any change in, including but not limited to, name, business address, business organization, qualified person, bond, insurance, registered officers, or any other matter shown in the application.

(b) Licenses and certificates are not transferable, and in case of a change of business organization or ownership, a new application and fee are required. No fee is required for a business name or address change, or for a name or address change of a licensee or certificate holder.

(c) A \$20 fee is required when:

(1) a license or certificate holder requests a replacement or duplicate copy of a license or certificate; or

(2) a license or certificate is reissued as a result of a name change made pursuant to (a).

NOTE: Authority cited: Sections 11456, 11502, 11502.5, 12005, and 12111, Food and Agricultural Code. Reference: Sections 11501, 11502.5, 11708, and 12110, Food and Agricultural Code.

Amend section 6512 to read:

**6512. Approval of Continuing Education Courses.**

(a) A continuing education provider intending to sponsor a continuing education course or program shall be responsible for the following, including but not limited to, administering the continuing education course or program, the agenda and course or program content, attendance verification, and administrative record keeping found in section 6513.

~~(a)~~ (b) Requests for evaluation and approval of a courses or programs offering continuing education in pest management and pesticides shall be submitted by the continuing education provider to the dDirector, if he so requires, or to a regional accreditation committee as specified in section 6514, at least 30 days before presentation of the education. The request for evaluation and approval shall be made on the Continuing Education Approval Request form (PR-PML-131, Rev. 09/03), hereby incorporated by reference, and shall be accompanied by a comprehensive written outline and, description of the course or program, and If a regional accreditation committee receives such a request, the committee shall evaluate the course or program, and submit to the director, a recommendation of either approval or disapproval of the course or program. a \$45 fee for each course.

(c) For a course or program previously approved within the calendar year, the continuing education provider shall submit a request to modify the course or program, or add an additional presentation(s) on the Continuing Education Additional Presentation Request form (PR-PML-132 Est. 9/03), hereby incorporated by reference, at least 30 days before the requested presentation(s).

~~(b)~~ (d) If the dDirector or regional accreditation committee determines that the course or program outlined and description is are not comprehensive, the dDirector or regional accreditation committee may request that a more detailed and comprehensive outline and description be submitted before making the determination as to whether the course or program meets the criteria specified in (e) (e) below.

(e) (e) The dDirector may approve, or regional accreditation committee may recommend to the director approval of any course or program submitted for evaluation, which meets the following criteria:

(1) The instruction shall relate only to pest management and pesticides (including but not limited to, laws and regulations, chemical formulations, labeling and label interpretation, application equipment, pests, identification of environmentally sensitive areas, endangered species, drift prevention, pesticide registration, integrated pest management, cultural practices, pesticide worker safety, surface and ground\_water protection, and biological control methods).

(2) The instructional course or program shall be at least one hour total in length.

~~(d)~~ (f) The approval of a course or program pursuant to this section shall be valid for the calendar year in which the course or program would be presented.

~~(e)~~ The regional accreditation committee shall inform the director in writing of any course or program which it has evaluated and recommended approval or disapproval, the name of the instructor and/or organization sponsoring the course, and the date of the course.

NOTE: Authority cited: Sections 11456, and 11502.5, ~~and 12981~~, Food and Agricultural Code.  
Reference: Sections 11502.5 ~~and 12986~~, Food and Agricultural Code.



DIVISION 1. ADMINISTRATION  
CHAPTER 4. PERMIT REFORM ACT  
ARTICLE 2. DEPARTMENT OF PESTICIDE REGULATION--PERMIT REFORM ACT

Amend section 305(c) to read:

**305. Permit Processing Times (Including Licenses, Permits, Registrations and Certificates).**

(a) Within the number of calendar days of receipt of an application for a permit shown in column A of subsection (c), the Department shall inform the applicant in writing that the application is either complete and accepted for filing, or that it is deficient and what specific information of documentation is required to complete the application. An application is considered complete if all necessary fees and information required by the application form have been submitted.

(b) Within the number of calendar days after receipt of a complete application, as shown in Column B of subsection (c), the Department shall approve or disapprove the application.

(c) The Department's minimum, median, and maximum time periods, in calendar days, for processing an application from the receipt of the initial application to the final decision, based on the Department's actual performance during the two years immediately preceding the proposal of this section, are shown in columns C, D, and E of the chart which follows:

Permit Type	Maximum time for notifying that an application is complete or deficient (Days)	Maximum time after receipt of a complete application to approve or deny permit (Days)	ACTUAL DAYS TO PROCESS BASED ON PRIOR TWO YEARS		
			Minimum	Median	Maximum
			(Days)		
Qualified Applicator Certificate <sup>1,2</sup>	14	100	1	50	111
Agricultural Pest Control Adviser License <sup>2</sup>	14	100	12	46	129
-- Renewal	14	60	1	11	74
Qualified Applicator License <sup>2</sup>	14	90	5	54	97
Designated Agent License <sup>2</sup>	14	90	21	50	96
--Renewal	14	30	1	8	39
Pest Control Pilots License <sup>2</sup>	14	100	21	56	106
Renewal	14	30	1	11	35
<u>Pest Control Business License</u>	<u>14</u>	<u>100</u>	<u>1</u>	<u>50</u>	<u>100</u>
<u>---Renewal</u>	<u>14</u>	<u>100</u>	<u>1</u>	<u>50</u>	<u>100</u>
<u>Maintenance Gardener Pest Control Business License</u>	<u>14</u>	<u>100</u>	<u>1</u>	<u>50</u>	<u>100</u>
<u>---Renewal</u>	<u>14</u>	<u>100</u>	<u>1</u>	<u>50</u>	<u>100</u>
<u>Pest Control Dealer License</u>	<u>14</u>	<u>100</u>	<u>1</u>	<u>50</u>	<u>100</u>
<u>---Renewal</u>	<u>14</u>	<u>100</u>	<u>1</u>	<u>50</u>	<u>100</u>
<u>Pesticide Broker License</u>	<u>14</u>	<u>100</u>	<u>1</u>	<u>50</u>	<u>100</u>
<u>---Renewal</u>	<u>14</u>	<u>100</u>	<u>1</u>	<u>50</u>	<u>100</u>
Accreditation of Continuing Education Instruction	20	30	N/A	N/A	N/A
Certificate of Registration for <del>Economic Poisons</del> Pesticides:					
New Active Ingredient	120	150	16	106	314
New Product	60	90	4	40	209
Renewal	30	60	7	28	197

Footnote

<sup>1</sup> Median processing time for renewals does not exceed 7 days.

<sup>2</sup> Time frames are based on applicant taking first available test.

NOTE: Authority cited: Section 15376, Government Code; and Section 11456, Food and Agricultural Code. Reference: Section 15376, Government Code.